UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/SR.44
12 July 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 February 1994, at 3 p.m.

Chairman: Mr. NEAGU (Romania)

CONTENTS

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission (continued)

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-11868 (E)

CONTENTS (continued)

(b) National institutions for the promotion and protection of human rights

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

(d) Human rights, mass exoduses and displaced persons

Advisory services in the field of human rights (continued)

The meeting was called to order at 3.20 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 11) (continued) (E/CN.4/1994/34-38, 39 and Corr.1, 40-42, 43 and Add.1, 44 and Add.1, 45 and 74; E/CN.4/1994/NGO/2-4; A/48/579)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1994/73/Add.1, 75, 76 and Add.1, 77 and Add.1, 78 and Add.1 and 109; A/CONF.157/23)

1. Mr. BISLEY (Observer for New Zealand) said that as a result of the adoption by the General Assembly of the Declaration on the Elimination of Violence against Women, the international community was in a position to take a further step in its efforts to eliminate violence against women together with its causes and consequences. The Commission should consider the possibility of establishing a post of special rapporteur on violence against women, whose mandate would be based on the Declaration. His delegation unreservedly supported the establishment of such a post. The special rapporteur should, in particular, cooperate with the other mechanisms of the Commission and of the Sub-Commission, as well as with the treaty bodies, in order to increase their awareness of gender-specific aspects of human rights violations. The Centre for Human Rights also had an important role to play in that regard by ensuring that the special rapporteurs, experts, working groups and international treaty bodies were fully apprised of those gender-specific aspects. In the same connection, consideration could be given to amending the guidelines drawn up by the treaty bodies for the preparation of country reports, so that the reports contained gender-specific information on human rights violations.

2. Regarding the collection of information by the various organs and mechanisms, his delegation emphasized that women's groups within the NGO community could make a major contribution, particularly in the course of country visits. It was also important for persons with appropriate experience and expertise to be appointed as special rapporteurs, special representatives and members of working groups. In that regard, his delegation noted the disappointing current gender imbalance in appointments to such posts.

3. Cooperation between the Commission on Human Rights, the Commission on the Status of Women, and the Committee for the Elimination of Discrimination against Women should be strengthened in areas concerning women's rights. In that respect, training was a key factor. His delegation hoped that the Commission would request the Centre for Human Rights to provide training programmes for United Nations human rights and humanitarian relief personnel to assist them in identifying violations particular to women and to deal with them.

4. His delegation drew the Commission's attention to the horrific violence suffered by numerous women in the territory of the former Yugoslavia. New Zealand had firmly supported the establishment by the Security Council of the special International Tribunal to bring to justice and punish those guilty of war crimes. His delegation hoped that the Tribunal would shortly commence its work and judge those accused of such crimes.

5. Mr. VALENTINO (Observer for Malta) noted that the Vienna Declaration and Programme of Action had emphasized the importance of strengthening the World Public Information Campaign for Human Rights. Education, training and information on human rights depended on the willingness of Governments to give the issue top priority. The Centre for Human Rights should continue its efforts to strengthen cooperation among the various human rights bodies and organizations. His delegation noted that the question of the financial resources of the Centre for Human Rights remained critical. The inadequacy of resources seriously affected the Centre's capacity to implement its programme of activities for 1994.

6. His delegation welcomed the establishment of a working group on information within the Advisory Services, Technical Assistance and Information branch of the Centre for Human Rights. Every means of improving cooperation between the Centre and the other organs and bodies within the United Nations system should be used so as to maximize the use of financial and human resources in human rights matters. One of the most tangible results of the forty-eighth session of the General Assembly had been the decision to appoint a High Commissioner for Human Rights. Malta welcomed the decision and hoped that as a result of the establishment of the post it would be possible to overcome a number of bureaucratic hurdles encountered by United Nations human rights activities and programmes.

7. Thanks to its political maturity and perseverance Malta had become a strong democracy whose constitution fully guaranteed and protected the vast majority of human rights and fundamental freedoms. The Government of Malta had taken measures to introduce the right of individual petition to the European Court, had established a commission to investigate injustices and had ratified the International Covenant on Civil and Political Rights as well as its Optional Protocol. Malta was also a party to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women. Maltese public opinion was constantly kept abreast of human rights issues by information through the media and at all levels of education.

8. In 1994 the international community would celebrate the International Year of the Family. His delegation recalled that the Valletta Declaration, emanating from the European Regional Preparatory Meeting held in Malta, had urged Governments to promote policies to improve the quality of family life, to foster equality between men and women and to protect and assist families so that they could fully assume their responsibilities within the community, in conformity with the provisions of international human rights instruments. The family was the basic social unit of all societies and as such required special protection. Coordinated action by Governments to commit themselves to such protection was of the utmost importance, at the national, regional and international levels. In that regard, Malta supported the request made by the Coordinator for the International Year of the Family for action to be taken "with a view to including family oriented and IYF components in the work of the Commission" (E/CN.4/1994/89). Malta believed that promoting the values and unity of the family strengthened the institutionalization of human rights protection.

9. Monsignor TABET (Observer for the Holy See) said that the situation of the family in the contemporary world was marked by features that could prove detrimental to its well-being and contribute to its weakening or even to its break-up. Some of those features were attributable to external factors such as poverty and unemployment as well as to unsatisfactory housing and to the worrying decline of a number of fundamental values which characterized that natural institution and ensured its stability in all cultures. For that reason, the Holy See commended the initiative of the United Nations to proclaim the International Year of the Family. The Holy See had made its contribution to that effort, in particular by drawing up, in 1983, the Charter of the Rights of the Family, which set out in the most comprehensive and orderly terms possible the fundamental rights of the family. Those rights were rooted in a clear definition of the family which, in the words of the preamble to the Charter, "was based on marriage, that intimate and complementary union of man and woman, which is established by the indissoluble bond of matrimony, freely consented to and publicly declared, and whose purpose is to transmit life".

10. Everyone recognized the importance of the family for individual happiness and equilibrium. A stable union afforded couples a source of physical, mental, moral and spiritual fulfilment. For children and young people, the family took pride of place, through education, socialization, and the transmission of culture and of cultural values. For that reason it was vital for all those who shared responsibility for the common welfare to be informed of the inalienable rights inherent in the family, an institution whose existence predated that of the State and of all other communities. States bore a responsibility comprehensively to guarantee the rights of the family and to afford families special protection. Families should be able to count on suitable family policies in the juridical, economic, social and fiscal spheres without any form of discrimination. Families were also entitled to a social and economic order that did not hinder their unity, well-being and stability. As Pope John Paul II had recalled, families played an essential role in building society, since it was within them that the values of love and of mutual understanding and respect, that were the mortar of any free, caring and peaceful society were experienced, learnt and passed on. By respecting

family values and rights and striving to promote an effective family policy States would best contribute to providing solutions to the moral crisis afflicting the contemporary world.

11. Mr. VENERA (Observer for the Czech Republic) expressed concern about the scale of forced migrations throughout the world. The root causes of mass exoduses and displacements were large-scale human rights violations. In that respect it was always preferable to prevent the occurrence of negative phenomena than to be compelled to deal with their consequences later. By emphasizing the importance of measures to prevent mass exoduses, his delegation did not intend to play down the importance of humanitarian aid to refugees and displaced persons. Within the process of prevention, monitoring of the situation in certain countries where political or ethnic conflicts led to, or could lead to, human rights violations played a major role. In that connection, his delegation pointed out that the report by the Secretary-General on human rights and mass exoduses (E/CN.4/1994/43) rightly emphasized early-warning and preventive diplomacy in the spheres of human rights and humanitarian assistance.

12. The relationship between human rights and mass exoduses was not merely one of cause and effect, but also implied that migrants were entitled to enjoy their fundamental rights and freedoms. Protection for human rights should be provided not only for persons forced to leave their country but also for internally displaced persons. It should be borne in mind that the total number of displaced persons was 24 million. They were potential refugees who consequently deserved constant attention from the international community.

13. The Czech Republic was among those countries that continued to provide assistance to victims of the conflict in the former Yugoslavia. It received refugees, provided temporary shelter for persons who had fled from regions afflicted by the war, assisted family reunification, provided direct material assistance to displaced persons and participated in the special medical programme. It had also made a financial contribution to UNHCR to support its activities in Bosnia and Herzegovina. Clearly, although assistance mitigated the consequences of the armed conflict and alleviated the suffering of refugees and internally displaced persons, mass exoduses would come to a halt only if the armed conflict were ended and human rights respected.

14. Mr. KHELLADI (Observer for Algeria), speaking on behalf of Mr. Rezag-Bara, President of the National Human Rights Observatory, said that the Observatory, which was Algeria's national human rights institution, had developed its activities in the human rights sphere during a period dramatically marked by an upsurge of extremism, armed violence and terrorism. The establishment of the Observatory by the Government of Algeria had been the culmination of a lengthy process characterized by the emergence of the collective movement for the defence of human rights and by the social, political and cultural demands and the assertion of identity which had followed the explosion of popular feeling in October 1988 and the adoption of the Constitution of 23 February 1989. Together with the Algerian League for Human Rights and the Algerian League for the Defence of Human Rights, the Algerian section of Amnesty International and the Algerian Committee against Torture helped to uphold the principles of the Universal Declaration of Human Rights in Algeria.

15. In June 1991, the authorities, which had ratified the main international instruments for the protection of human rights including, recently, the Convention on the Rights of the Child, had established the post of Minister for Human Rights within the Government.

16. However, the difficulty of reconciling action in defence of human rights with Government responsibility had rapidly become apparent. For that reason, Algeria had established, by presidential decree dated 22 February 1992, the National Human Rights Observatory. The Observatory was an independent institution with administrative and financial autonomy whose mandate was in conformity with the resolutions of the United Nations relating to national institutions, and in particular those emanating from the final documents of the Vienna Conference. The purpose of its activities was to promote human rights in Algeria, to take any action necessary when human rights violations were brought to its attention and to draw up an annual public evaluation of the situation of human rights. The Observatory had regional representatives in order to ensure its presence at the local level.

17. The Observatory's first report, which had been presented to Algeria's Head of State on 5 February 1994, was essentially devoted to action for the protection of human rights and to the problems posed by administrative detention, the Act on Subversion and Terrorism and the operation of the special courts. It also addressed the question of press freedom from the dual angles of the development of the media in Algeria since 1989 and the measures restricting the right to freedom of information and expression adopted under the state of emergency. The report also contained annexes describing documented cases of human rights violations. In that connection, the Observatory, on the basis of the cases studied and of the proceedings instituted against those responsible, rejected the view expressed by certain human rights organizations, which had interpreted the small number of cases brought to their attention in a political and occasionally partisan manner and concluded that systematic and widespread human rights violations occurred in Algeria.

18. As early as May 1992, the Observatory had expressed its concern at the rise in violence in Algeria, which threatened the fundamental right to life, liberty and security of person enshrined in the Universal Declaration of Human Rights. Murders of security forces personnel, judges, State officials, intellectuals, journalists and religious figures together with attacks against the foreign community in Algeria and all other acts of group terrorism or sabotage were violations of the fundamental rights of the individual that no political or religious motives could justify.

19. After describing measures to promote human rights in the spheres of education, the rights of the child and protection for women and the family, and the sick and disabled, the Observatory's report made a number of recommendations to the authorities, the essential purpose of which was to strengthen the rule of law and the democratic development of society. Lastly, his delegation was convinced that the defence of human rights and fundamental freedoms would be effectively secured by the joint action of all sincere human rights activists in Algeria and throughout the world, and expressed the hope that the promotion and protection of human rights would not be diverted from their original purpose for political or partisan ends.

20. Mr. ALKHADI (Observer for Iraq) deplored the efforts by certain countries to influence the work of the Commission for purely political ends. He asked how else the determination of certain delegations to reorganize the Commission's agenda could possibly be interpreted than as an attempt to draw a veil over human rights violations in some regions of the world. It was impossible to overemphasize the fundamental importance of the values of objectivity and impartiality in the conduct of the Commission's debates. On 8 December 1993, the General Assembly had adopted resolution 47/131 concerning the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity. It had requested all human rights bodies, special rapporteurs, experts and working groups to take duly into account the content of that resolution in carrying out their mandate. Unfortunately, disregarding those principles, some special rapporteurs had forgotten that their mission should be limited to the protection and promotion of human rights and engaged in denigratory campaigns against certain countries for political ends, as had the Special Rapporteur responsible for studying the human rights situation in Iraq.

21. In resolution 46/127, of 17 December 1991, the General Assembly had invited the Commission to keep the question of human rights and mass exoduses under review. His delegation believed that assistance to refugees should be limited to humanitarian action and not be used to interfere in the domestic affairs of countries. It also deplored the fact that certain countries encouraged or even compelled groups of persons to emigrate and prevented them from returning to their own country. The Government of Iraq was convinced of the importance of national institutions for the promotion and protection of human rights and unfailingly supported the establishment of non-governmental organizations to ensure the promotion of human rights in Iraq. It would participate in any meetings dealing with the role of national institutions, as had been the case of the two International Meetings held in Tunis in December 1993.

22. Mr. HJELDE (Observer for Norway), speaking on behalf of the five Nordic countries, made a number of observations on the activities of the Representative of the Secretary-General on the question of internally displaced persons, Mr. Deng. According to Mr. Deng's report (E/CN.4/1994/44), the total number of internally displaced persons was between 25 and 30 million and the phenomenon was growing in scale. For that reason, the Commission on Human Rights should continue to provide leadership in shaping an adequate response to that grave situation, which was also referred to in General Assembly resolution 48/135, dated 20 December 1993, which encouraged the Representative of the Secretary-General to continue his efforts. The Nordic countries fully approved the approach and methodology adopted by the Secretary-General's Representative in his activities. Mr. Deng was currently preparing his full report, which he would submit the following year, and which would contain recommendations on normative work, institutional arrangements and future activities. For that reason, his delegation believed that the moment was particularly timely for a number of comments on the content of the current report.

23. As Mr. Deng observed, local conflicts and communal violence, especially those associated with racial, ethnic and religious conflicts, tended to

generate cleavages between the authorities running a country and the civilian population concerned. Such cleavages often created a vacuum where the responsibility normally associated with State sovereignty was lacking. In such circumstances the international community should take up the humanitarian challenge posed by the absence of national responsibility. The Nordic countries attached considerable importance to country visits and to the compilation of country profiles which provided a range of information on internal displacements and in particular on the solutions provided by Governments and by the international community. In that connection, he commended the welcome given by the Government of Sri Lanka to the Representative of the Secretary-General and urged other Governments to follow suit.

24. Evaluation of legal standards pertaining to situations of internal displacement was another important aspect of the mandate of the Representative of the Secretary-General. The Nordic countries would appreciate greater convergence between existing norms for protection, i.e. refugee law, international human rights law and international humanitarian law. The international community should insist on the application of existing minimum rules for the physical protection of persons, in all circumstances, including situations of internal conflict. The Nordic countries welcomed the attention given by Mr. Deng to the defence of the physical security of internally displaced persons and his concern for the development of special guidelines for the protection of women and children. It was vital to convince Governments to call on international cooperation when they were unable to guarantee protection and assistance for individuals. The Nordic countries would carefully consider the idea of developing an international doctrine of protection that was specifically tailored to the needs of the internally displaced.

25. Regarding institutional mechanisms, genuine complementarity was needed between efforts within the United Nations system to provide effective protection and assistance to internally displaced persons. Closer cooperation between UNHCR, the Department of Humanitarian Affairs and UNDP should be organized, and greater use made in humanitarian emergencies of the skills of the Inter-Agency Standing Committee's task force headed by the Department of Humanitarian Affairs and of the operational agencies of the United Nations. In the absence of adequate institutional machinery, emphasis should be placed on the role of the Representative of the Secretary-General in coordinating international and national, intergovernmental and non-governmental organizations and Governments. In developing future institutional machinery, account should be taken of the need for an integrated approach (as was clearly stated in the Vienna Declaration and Programme of Action) which would rely essentially on human rights education, legal aid, the establishment of minimum rules for the treatment of internally displaced persons, monitoring, the establishment of an early warning system and dissemination of information.

26. In order to overcome existing constraints within the United Nations affecting data collection and documentation on the situation of internally displaced persons, consideration should also be given to requesting the Representative of the Secretary-General to establish a more comprehensive and coherent system for gathering information and to enlist contributions from universities and competent non-governmental organizations. Finally, the

Nordic countries hoped that the Representative of the Secretary-General would be provided with additional human and material resources in order to discharge his mandate and intensify his activities.

27. Mrs. POSADA (Andean Commission of Jurists) drew the Commission's attention to the inefficiency of the human rights protection machinery in the majority of the Latin American countries. In those countries the right to justice was systematically violated, thereby undermining the very principle of democratic government. In Colombia, 70 per cent of complaints lodged with the Attorney General were not followed up and charges were brought in only 14 per cent of cases. The military courts, which heard trials involving members of the security forces, in most cases acquitted the accused. Authorities such as the Office for the Defence of the Rights of the People and the Presidential Advisor on Human Rights Matters had scant influence on the relevant national policies. In Peru, the "La Cantuta" University case had been entrusted to the military courts and the population had expressed its indignation at the Government's interference in the sphere of competence of the judiciary in that case. Since the April 1992 coup d'état there was no longer any separation of powers; the military exploited its huge influence over Government decisions to ensure impunity for those of its members guilty of human rights violations.

28. That impunity took various forms. An example was the sentence handed down by the military court in the trial of the La Cantuta murderers, which had convicted a general, a colonel, two majors and four lieutenants - thereby glossing over the guilt of numerous other persons - manifestly in order to moderate the reaction among the population and the international community. However, in May 1993 a Peruvian army general - the third most senior - had been forced into exile in Argentina after having revealed that a death squad organized within the army had been responsible for the La Cantuta murders as well as other crimes. He had in particular accused a certain Vladimiro Montesinos, Commander-in-Chief of the army and adviser to the President.

29. She also drew the Commission's attention to the establishment and constant intervention of special courts which, under the pretext of states of emergency, unacceptably restricted judicial safeguards and the rights of accused persons. For example, in Colombia, under the pretext of public order legislation whose adoption had been justified as part of the efforts to combat terrorism and drug trafficking, violations of judicial safeguards were numerous. In particular, the practice of vesting judicial police functions in the military had made possible numerous abuses. In Peru, the emergency legislation promulgated after the April 1992 coup d'état to combat terrorism remained in force, with some amendments. That legislation failed to observe the safeguards for a proper trial and made it possible to hold detainees incommunicado without the authorization of a court and to prevent them from having any contact with a lawyer. In 1993, the military courts, acting in accordance with the provisions then in force, had sentenced 220 civilians to life imprisonment after a summary trial. Civil courts, whose members had been masked, had convicted 464 persons of terrorism in trials held in camera, in which the only evidence had been the statements taken by the police while the accused had been in custody. Full respect for the right to justice was a

prerequisite for respect for human rights. The international community should vigorously condemn the acts in question and demand that the Government fully restore those safeguards they had eliminated.

30. She also drew attention to the extreme poverty and destitution of populations displaced by violence. It was estimated that in Colombia 240,000 people and 600,000 in Peru had fled their place of origin because of armed conflicts. Not only were those persons living in inhuman conditions but they were exposed to systematic violations of their rights. Their lack of identity documents made them vulnerable, as they were readily suspected of terrorism by the police. In areas of conflict, the absence of any judicial authorities made it impossible to solve the problems that arose between the security forces and displaced persons, and the latter were subject to arbitrary arrest, forced recruitment and forced displacement for military reasons. The situation of displaced persons was further aggravated by the increasing tendency of the United Nations system to allow States to assume responsibility for the problem.

31. She referred to the conclusions of the Special Representative of the Secretary-General on human rights issues relating to displaced persons who, in his report, dated 21 January 1993, had said that the mandates of the Office of the United Nations High Commissioner for Refugees and of the Department of Humanitarian Affairs should be strengthened, a view which her organization shared. Finally, she pointed out that although the advisory services provided to Colombia between 1988 and 1992 had concluded that it was necessary to adopt protective measures, whose absence was painfully apparent in Colombia, it had not been possible for those recommendations to be studied by the Commission because the official report (E/CN.4/1993/61/Add.3) had not been distributed to its members, at the request of the Government of Colombia. The failure to consider those recommendations and the procedure employed by the Government of Colombia were extremely disturbing.

32. Mr. GILANI (World Society of Victimology) welcomed Economic and Social Council resolution 1990/78, of 27 July 1990, and Commission on Human Rights resolution 1991/25, dated 5 March 1991, concerning cooperation and coordination among the various organizations of the United Nations system to provide an effective response to the problems of refugees, internally displaced persons and returnees. However, it was regrettable that the United Nations had occasionally - albeit unwillingly - contributed to the problem. Such had been the case in Kashmir, whose fate had been in the hands of the United Nations since 1948, as was evidenced by Security Council resolutions 39 (1948) and 47 (1948), although none of the resolutions on that issue had achieved the expected results, because India had never bothered to comply with its obligations deriving from them.

33. Mrs. SUBHARWAL (India), speaking on a point of order, forcefully pointed out that under rule 43 (2) of the Commission's Rules of Procedure the situation in a specific country could not be referred to under agenda item 11. She intervened repeatedly during the statement by the representative of the World Society of Victimology on the grounds that the Chairman had, on another occasion, called a speaker to order and requested him to limit his remarks to the agenda item under consideration, with the desired result.

34. Mr. GILANI, resuming his statement, denounced the four major displacements of people for which a Member State had been responsible in Kashmir, in 1948, 1965, 1971 and 1990, and in the course of which men, women, children and old people had suffered persecution and serious human rights violations. Displacement of populations was usually forced and entailed a host of abuses of basic human rights. He referred to the particularly cruel fate of young children, pregnant women, the elderly and sick people who had been exposed to numerous risks such as explosives hidden along the roads, the cold and encounters with wild animals, and noted that some regions were ill-equipped to assist displaced persons. The non-governmental organizations operating in the region still had only limited experience and were barely beginning to understand how to respond to human rights violations in such conflict situations.

35. He drew attention to Commission resolution 1993/95, which encouraged the Representative of the Secretary-General to cooperate and coordinate with the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and which called on those bodies, as well as the other intergovernmental and non-governmental bodies, to continue to cooperate with the Representative and to assist him in his tasks. He called on the Commission to send a representative to regions whose plight was similar to that of Kashmir, to request the Secretary-General to bring to its attention and to the attention of the Sub-Commission the reports of the United Nations Military Observer Groups, to take measures for restitution, compensation and assistance to the victims, to ensure that non-governmental organizations were able to visit Kashmir and report to the Commission on their visits, and to assist the Representative of the Secretary-General in discharging his mandate with regard to Kashmir.

36. Mrs. ALEMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees) denounced the situation in Colombia, where her association was very active. Although new mechanisms had been established in Colombia to protect human rights, in practice none of them assumed genuine responsibilities; they all shifted problems to one another, thereby further aggravating the situation. In a report on human rights, submitted in June 1993 to the President of the Republic by the Attorney-General, it had been recognized that less than 10 per cent of the complaints lodged with the Attorney-General led to judicial proceedings, that only 21 per cent of those that reached the courts actually led to a trial and that in 56 per cent of the trials the accused were acquitted. Since the complaints filed accounted for only a tiny proportion of human rights violations by State officials, the only possible conclusion was that impunity was widespread.

37. Mrs. CARRIZOSA DE LOPEZ (Colombia), speaking on a point of order, objected on several occasions, as had the representative of India during the previous speaker's statement, to a non-governmental organization denouncing situations in a specific country.

38. The CHAIRMAN called the speaker to order and asked her to keep strictly to agenda item 11.

39. Mrs. ALEMAN resumed her statement and denounced the situation in El Salvador. Although it was claimed that the human rights situation had improved there, the truth was that the situation had again worsened in recent months. While it was true that a Procurator for the defence of human rights had been appointed as a result of the peace agreements, it was essential to strengthen that mechanism, which could make a genuine contribution to protecting human rights. She believed that it would be appropriate to extend for one year the mandate of the independent expert responsible for verifying the implementation of the peace agreements, which were the foundation for a democratic society and for fundamental human rights and freedoms.

40. Every year, serious human rights violations throughout the world were brought to the attention of the Commission. At the same time, numerous Governments came to defend the situation in their country and claimed that it was improving. On behalf of her association, she requested, as every year, the appointment of a rapporteur or expert to deal with questions under agenda item 11. Such an appointment would make it possible to gather and analyse information in order to make reliable data available to the Commission and allow it to demonstrate objectively in all circumstances and to help the other experts, rapporteurs and working groups in their tasks.

41. In the absence of Mrs. Montenegro, who was to have reported on the situation in Guatemala, she continued her statement. In Guatemala, the activities of her organization and of other human rights organizations were under constant threat. In her report (E/CN.4/1994/10), Mrs. Monica Pinto had confirmed those threats, which she described as an extremely disturbing expression of intolerance. Approximately 42,000 persons had disappeared in Guatemala. On behalf of her association, she called for the establishment of a commission on truth and justice to determine responsibility for the human rights violations which had occurred during 40 years of repression. Mrs. Pinto's report clearly showed the extent to which Guatemala was militarized and the degree to which the population was in the power of the armed forces and the paramilitary apparatus. Moreover, the number of summary executions had reportedly increased. In spite of the human rights advisory services with which the Government of Guatemala had been provided for seven years, the situation remained serious and human rights and fundamental freedoms were systematically violated. Apparently, the approach adopted was not the best solution. Accordingly, she urged the Commission to appoint a special rapporteur for Guatemala and to examine the situation there under item 12 of its agenda.

42. Mrs. BOUVIER (Minority Rights Group) said that the main challenge currently facing the United Nations system was preventing internal conflicts in certain States which threatened the peace and security of a region and were at the root not only of gross human rights violations, but of internal displacements of populations. Although Chapters VII and VIII of the Charter of the United Nations authorized the Organization to intervene in case of a threat to the security of a region, experience had shown that its action was generally ineffective and that new methods had to be developed to restore confidence among communities and promote a dialogue among all parties to such conflicts, which frequently included minorities.

43. The concepts of early warning and early action could be interpreted in different ways. The Minority Rights Group believed that they meant acting early enough to take effective action to prevent violent conflicts, even if only a percentage of the actions were successful. Over the previous 20 years, conflicts had broken out in Nagorny Karabakh, the Balkans, Sri Lanka, Kurdistan, Palestine and Burundi because of failure to take into account well-publicized early-warning signs. For that reason the 52 States members of CSCE had appointed Mr. Van der Stoel as High Commissioner on National Minorities; his performance had been praiseworthy, although he lacked the funds necessary to carry out his task. The budgets of the bodies and organs working to promote inter-community cooperation were also inadequate, while UNHCR would have to spend over 500 million dollars to assist refugees and displaced persons from the former Yugoslavia.

44. It was, however, possible to counter those who sought to gain power by exploiting cleavages between communities. To do so, strategies had to be developed to strengthen civil society at all levels, to support political pluralism and reinforce confidence in democracy, while ensuring that all communities enjoyed peace and security. Above all, it was necessary to encourage the initiatives taken by local NGOs to restore trust among communities. NGOs and United Nations bodies and organs could in particular set up projects to publicize and to promote the understanding and observance of international norms, to evaluate inter-community problems, to develop freedom of expression and information, particularly freedom of the press, and to promote multicultural education and dialogue and permanent contacts among communities to permit them better to understand one another and develop mutual trust. Those projects would fit into a broader strategy which Governments and donor countries should apply.

45. Her organization recommended that Governments and intergovernmental agencies should consider preparing economic development plans for all communities, with special measures to redress wrongs committed in the past and the provision of economic assistance in all regions in which the groups in question lived. They should also include the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and regional agreements in their needs assessments; ensure that the principles of equal opportunities and non-discrimination were central to any development programme or project; give priority to economic investment in programmes on behalf of all communities and encourage the latter to work together, and lastly support the establishment of executive, legislative and administrative systems that were based on participation and trusted by all communities. Her organization was convinced of the need for partnership between NGOs, United Nations agencies and Governments. The success of such a strategy would depend not only on the existence of a free and motivated society, but also on the efforts made by Governments to establish a suitable climate, in particular by ensuring that minorities participated in the life of the broader community.

46. Mr. KOUTZINE (Christian Democrat International), referring to the situations in Burundi and the Sudan, said that the coup d'état which had taken place in October 1995 in Burundi had led to the assassination of the President of the Republic and many other political leaders. The behaviour of the army

towards citizens who had resisted the coup had led to a huge exodus of some 700,000 refugees to neighbouring countries, and southern Rwanda in particular.

47. In view of the complete agreement reached by the Governments of Burundi and Rwanda to assist the refugees to organize and prepare their repatriation in complete security, despite the presence of military forces that no longer obeyed the civilian authorities, it was difficult to accept the note, dated 18 November 1993 from UNHCR's delegation for Rwanda, reporting alleged "subversive activities" against a member State of OAU and requesting intervention by the Rwandan Ministry of Defence to monitor the Burundi refugees. He asked whether UNHCR and its representative for Rwanda had not committed a serious reversal of values by transforming Burundian refugees, who were defending their democratic and lawful institutions, into aggressors in their own country.

48. His organization reported a number of complaints by democratic political forces in Rwanda and Burundi denouncing partisan attitudes on the part of UNHCR's Regional Bureau for Africa in Geneva and of some of its delegations in the countries of central Africa, and expressed the hope that a proper investigation would be carried out. She asked whether the Commission on Human Rights could not raise the matter with UNHCR in order to persuade it to review its policy in central Africa, to adopt a positive and neutral attitude towards countries that were democratic or on the path towards democracy and sincerely to cooperate in providing direct assistance to refugees and ensuring their safe repatriation. Fortunately, the election of a new President in Burundi and the formation of a civilian Government had already facilitated the return of numerous refugees, although efforts on the part of the local and provincial civilian authorities to provide protection were essential.

49. The Sudan was among those African countries affected by large-scale population displacements in a context of serious violations of ethnic, political and religious rights. She said that there were 600 ethnic groups in the Sudan, that the population of the north was essentially Muslim and that 30 per cent of the population of the south was composed of Christians and animists. The policies followed by successive Governments aimed at imposing Islam throughout the country had drawn the Sudan into a bloody conflict in which an estimated 600,000 people had been killed and more than 1 million Sudanese displaced. In 1993 systematic violations of human rights had continued: murders, ethnic cleansing, arbitrary executions, arrests, torture, disappearances, religious persecution and forced displacements of population groups. The Sudanese Conference of Catholic Bishops had denounced to the Secretary-General of the United Nations the repressive character of the regime, which controlled all aspects of public and private life. Christians were systematically persecuted, priests and ministers arrested and missionaries expelled from the country. The charges of human rights violations concerned not only the Government of the Sudan as, in 1993, a considerable number of violations committed by the Popular Liberation Army in the south of Sudan had been revealed.

50. In August 1993, Mr. Wilfried Martens, the current Chairman of the European Popular Party, had visited Sudan from where he had returned, in his own words, "horrified". He had visited the Secretary-General of the

United Nations to inform him of the urgent need for more tangible action to relieve the suffering of the population and to promote peace. The international community should apprise itself of the real problems affecting the Sudan and of its responsibility to help find solutions.

51. Mrs. SCHREIBER (International Movement Against All Forms of Discrimination and Racism) said that the World Conference on Human Rights in Vienna had urged the full and equal enjoyment by women of all human rights, as a matter of priority for Governments and for the United Nations. It was time for women to be recognized as human beings who were an integral part of society and indispensable for its progress. Women should participate more actively in their national life and be better informed of the rights to which they were entitled under national legislation and international instruments in order to be able to defend their own interests and assist their less privileged sisters.

52. Throughout the world the rights of women continued to be flouted more or less openly on account of discriminatory practices or on religious grounds. Such was the case, for example, in one well-known country where women were legally subject to arbitrary treatment and intolerance. The international press constantly reported incidents in which women had been arrested, imprisoned, tortured and executed for having resisted such a policy. In another country, the number of rapes and murders of women belonging to "lower" castes by men belonging to "higher" castes had increased, according to an article published in the International Herald Tribune on 18 February 1994. In the United States too, statistics showed that physical violence between husband and wife was the main cause of injury among women of reproductive age and that between 22 and 35 per cent of women who attended the emergency units of hospitals had been beaten or injured by their spouses. It was also necessary to condemn sexual and other forms of violence against women in wartime, particularly in a nearby country, where the repeated calls for the observance of human rights and of the Convention on the Elimination of All Forms of Discrimination against Women had been ignored. In other European countries which claimed to be "civilized", sexual exploitation of women was organized by virtually indestructible prostitution networks, and trafficking in women under the guise of prostitution had apparently become a socially accepted phenomenon, thus demonstrating that it was no longer sufficient to adopt punitive national legislation but that a complete change of attitudes was required.

53. The International Movement Against All Forms of Discrimination and Racism in its efforts to protect the rights of women belonging to vulnerable or minority groups in society, had initiated an international project to combat the slavery-like practice of prostitution and the international trafficking that accompanied it. The project would be carried out in 11 Asian countries (Cambodia, Korea, the Philippines, Taiwan, Thailand, Japan, Bangladesh, India, Nepal, Pakistan and Sri Lanka) in cooperation with numerous non-governmental organizations which shared the same concerns, such as the International Abolitionist Federation. The final report on the project would be presented to the members of the Commission, and the recommendations deriving from it would be submitted to the World Conference on Women due to be held in Beijing (China) in 1995.

54. Lastly, she drew attention under agenda item 11 (b), relating to regional arrangements, to the establishment by her organization, in conjunction with other non-governmental organizations and with the support of the United Nations Centre for Human Rights, of an information centre on human rights for the Asia and Pacific region, in Osaka (Japan). The centre, which was due to open in December 1994, was a response to the growing need to establish information points and places for the dissemination of knowledge about human rights among the local population in that region. It would carry out and publish studies and organize training courses and periodic meetings for educators and human rights activists.

55. Mr. ROMAZZOTTI (International Movement ATD Fourth World) drew the Commission's attention to two issues that were important in the International Year of the Family. The first of them was the right of anyone to marry and to found a family, proclaimed in article 16 of the Universal Declaration of Human Rights and in article 23 of the International Covenant on Civil and Political rights. The corollary of that right was the right to meet the needs of one's family, which was also proclaimed in article 25 of the Universal Declaration and in article 11 of the International Covenant on Economic, Social and Cultural Rights. Those were the constituent parts of what could be described as the right to live as a family. They concerned both the realization of economic, social and cultural rights and of civil and political rights, and were a reminder of the indivisibility and interdependence of human rights.

56. It was essential to recognize the role of the family in promoting human rights and the rights of the child. The family was the natural and fundamental group unit of society, as was proclaimed by articles 16 (1) of the Universal Declaration of Human Rights and 23 (1) of the International Covenant on Civil and Political Rights, and the importance of the family for all of its members and in particular for children was recognized in the preamble to the Convention on the Rights of the Child. That assertion was repeated in the second paragraph of article 21 of the Vienna Declaration, which stated that "the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection".

57. In those texts the family was considered as a natural environment for the fulfilment of fundamental rights, a place where individuals learned how to exercise their rights and to respect those of others. Accordingly, the family should be considered as a partner in human rights educational programmes. The family also provided a supportive and protective environment for its members, especially for the most fragile such as children, disabled persons, the elderly, detained persons and refugees. For that reason its action had to be supported. The Special Rapporteur on the sale of children had, moreover, stressed the essential role of the family in combating that phenomenon and on the need to support it in doing so. More than any others, extremely poor families were confronted with the question of support for their weakest members. In their struggle to safeguard the latter's rights, poor families had acquired special skills with regard to the fulfilment of human rights, as was clear from the study carried out by the International Movement ATD Fourth World with the support of the United Nations, on fourth world families and

their role in development and from the joint declaration of the NGO Group on the Fourth World to the United Nations, which was part of the documentation for the Commission.

58. Immediately after the war, the role of the family in the development of society had been obvious to everyone because of the need to rebuild a better world. The same wish was currently felt by extremely poor parents for their children. Children and parents desired to struggle together, as a family, against poverty and for the fulfilment of human rights, and deserved to be helped. For that reason the International Movement ATD Fourth World was gratified that the Commission, in draft resolution E/CN.4/1994/L.20, which it had adopted, had requested the Special Rapporteur on Human Rights and Extreme Poverty, Mr. Despouy, to give attention to the interrelationship between the family, human rights and extreme poverty. It also hoped that when considering programmes on behalf of human rights education, the Commission would insist that they should focus on the poorest families and take into account their experience in that sphere.

59. Mrs. MATINE-DAFTARY (International Falcon Movement - Socialist Education International) said that despite all the texts reaffirming the rights of women and the urgent appeal by the Vienna Conference to all Governments to give attention to that issue as a matter of priority, discrimination against women was far from having disappeared throughout the world. There were even some countries in which the situation of women not only had not improved, but had on the contrary considerably worsened. Such was the case in Iran where, since 1979, discrimination against women had taken the form of gender-based apartheid. Since that date, legislation had been comprehensively revised to draw a clear distinction between men and women, relegating the latter to the status of second-class citizens. All those who refused to submit to the new laws and regulations were systematically persecuted, humiliated and sentenced to cruel and degrading punishment such as flogging. In 1993, 500 women had been arbitrarily arrested in three days in Tehran, some of them sentenced to 72 lashes for infringing the Islamic dress code and a 20 year-old woman, Bahareh Vodjdani, had been killed in Tehran on 2 September 1993 for the same reasons.

60. Indoctrination began as soon as children started school, where text books gave a stereotyped portrayal of the roles of men and women, inculcating into little girls at an early age a sense of their limits as women. The shortage of women teachers had led to closures or overcrowding of numerous schools as a result of which, in rural areas in particular, girls were denied an education and married early. In 1982, the minimum age for marriage which had been 18 for girls and 20 for boys, had been lowered to 9 for girls and 15 for boys, corresponding to the age of "religious maturity". The change meant that by virtue of the Law of Islamic Punishments, recently amended, 9 year-old girls could be held criminally responsible, like adults and could be lashed or stoned or have a limb amputated; they could not even invoke the protection of the Convention on the Rights of the Child, as the Government of Iran had made numerous reservations to that instrument.

61. Women had no autonomy whatsoever, as they were unable to accept employment or travel without their husband's written consent. Nor could they act as legal guardians to their own children; that right was restricted to

fathers and grandfathers, or in their absence, to a guardian appointed by judges. Women were banned from some professions such as that of judge, and for the religious courts which applied the lex talionis, a Muslim woman was worth only half a Muslim man the assessment of blood money.

62. The Government of Iran failed to perform its obligations under the International Bill of Human Rights; moreover, it had ratified neither the Convention on the Elimination of All Forms of Discrimination against Women, nor the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It accused Mr. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran, of being ignorant of Islamic precepts and judicial precedents, ignoring the fact that no jurisprudence could allow the execution of a pregnant woman or of a little girl, or the mass execution of political prisoners including innocent women and the mothers of dissidents taken as hostages. Hardly a day went by without an innocent woman accused of adultery being stoned to death, either in public or in secret, or subjected to acts of violence. The violations of the rights of women committed in Iran were not mere abuses by isolated individuals or certain officials, or the result of cultural practices or customs. They lay at the very heart of a fundamentalist policy found on gender-based apartheid and discrimination. The situation required special attention from the Commission and the international community and should be brought to the attention of the Security Council. In that regard, she welcomed the Commission's decision to consider appointing a special rapporteur on violence against women, provided adequate resources were available. She concluded by informing the Commission, with regret, that on 21 February one of her former colleagues of the Women's Committee of the National Democratic Front, Dr. Homa Darabi, had burnt herself to death in public in Tehran in protest against the violations of women's rights in Iran.

The meeting rose at 6.05 p.m.